

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARJORIE FERRELL, et al.,	)	
	)	Civil Action No. C-1-01-447
Plaintiffs,	)	
	)	Judge Sandra S. Beckwith
v.	)	Magistrate Judge Timothy S. Hogan
	)	
WYETH-AYERST LABORATORIES,	)	
INC., et al.,	)	
	)	
Defendants.	)	

**DECLARATION OF PATRICK E. CAFFERTY IN  
SUPPORT OF PLAINTIFFS' PLAN OF NOTICE**

PATRICK E. CAFFERTY, being over 18 years of age, hereby declares as follows:

1. I am a member of the Michigan and Illinois bars and a partner in the law firm Miller Faucher and Cafferty LLP. By order of November 6, 2001 [No. 1:01-cv-00634-SSB; Doc. No. 16], I was permitted to appear in the above-captioned action *pro hac vice*. I submit this declaration in connection with the Plaintiffs' Motion for Preliminary Approval of Proposed Settlement and Approval of Notice Program.

3. After a proposed resolution of this action was reached in mediation, I contacted Thomas R. Glenn, Senior Vice President of Complete Claims Solutions, Inc. ("CCS"), a firm experienced in providing notice to class members in similar pharmaceutical class action on behalf of end-payors. I have personally worked with CCS in other such cases. I asked Mr. Glenn to prepare a proposed plan of notice to the Subclasses certified by this Court's Order of February 2, 2005 [Doc. No. 118].

4. On November 11, 2006, I received from Kinsella/Novak Communications, Ltd (“Kinsella/Novak”), a media consultant working with CCS, a comprehensive Notice Program. A true and correct copy of the proposal is attached hereto as Exhibit A.

5. Also on November 11, 2006, I received from Kinsella/Novak a listing of the newspapers that will include *USA Weekend* or *Parade* magazines as contemplated by the Notice Program. A true and correct copy of the listing is attached hereto as Exhibit B.

6. On December 15, 2006, I received from Kinsella/Novak a document that specified the deadlines and publication dates for the recommended periodicals. A true and correct copy of the this document is attached as Exhibit C.

6. On December 21, 2006, I received from CCS a document that estimating fees and costs associated with the Notice Program. A true and correct copy of the this document is attached as Exhibit D.

This declaration is executed at Ann Arbor, Michigan on December 21, 2006, under penalties of perjury.

/s/ Patrick E. Cafferty